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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,832	06/09/2000	Hitoshi Date	450100-02554	1468

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NEW YORK, NY 10151

EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/28/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,832

Applicant(s)

DATE, HITOSHI

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because in Fig. 1A the labels for reference characters "59" and "60" need to be switched and in Fig. 1B the labels for reference characters "28" and "29" need to be switched. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

This objection was cited in the Office Action of December 5, 2003 and still stands because the corrected drawings were not submitted with the Applicant's amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (U.S. Patent 6,337,928) in view of Ronen (U.S. Patent 6,285,660).

Regarding claim 1, Takahashi et al. discloses a camera apparatus having a communicating device for transmitting a video signal photographed and processed by a camera or a video signal temporarily recorded in a record medium (107) to a remote location, comprising: connecting means for connecting a plurality of different communication lines; setting and inputting means (113) for designating one of the plurality of different communication lines and setting a transmission condition; controlling means for determining whether or not the video signal is transmissible to the remote location with the transmission rate of the designated communication line corresponding to an output signal of the setting and inputting means and generating control information when the video signal is transmissible (Fig. 9, step S25); and signal processing means (105) for processing a transmission signal for the designated communication line corresponding to the control information supplied from the controlling means (col. 2, line 55 to col. 3, line 11; and col. 6, lines 30-34; col. 8, line 66 to col. 9, line 7). However, Takahashi fails to disclose the communicating device comprising notifying means for notifying the user if a different communication line would allow the video signal to be transmissible if it is determined that the video signal is not transmissible over the designated communication line and generating means for generating control information when it is determined that the video signal is transmissible over the designated communication line.

Referring to the Ronen reference, Ronen discloses a communication device comprising: setting and inputting means for allowing the user to designate

one of the plurality of different communication lines and setting a transmission condition; controlling means for determining whether or not the video signal is transmissible to the remote location with the transmission rate of the designated communication line corresponding to an output signal of the setting and inputting means; notifying means for notifying the user if a different communication line would allow the video signal to be transmissible if it is determined that the video signal is not transmissible over the designated communication line; and generating means for generating control information when it is determined that the video signal is transmissible over the designated communication line (col. 1, lines 29-50).

Therefore, it would have been obvious to integrate the teachings of Ronen into the communication device disclosed by Takahashi in order to allow the user to make all decisions regarding transmission of the video signal instead of the controlling means deciding to just compress a signal further if it were not transmissible over the communication line designated by the user.

Regarding claim **2**, Takahashi et al. discloses in Figs. 10A and 10B a camera apparatus further comprising: displaying means for displaying information corresponding to the determined result of the controlling means.

Regarding claim **3**, Takahashi et al. discloses a camera apparatus further comprising: data compressing means (108) for compressing the video signal photographed and processed by the camera or the video signal temporarily recorded in the record medium (107) under the control of the controlling means

and supplying the compressed video signal to the signal processing means (105) (col. 6, lines 10-13).

Regarding claims **4-6** these are method claims corresponding to the apparatus claims 1-3. Therefore, claims 4-6 are analyzed and rejected as previously discussed with respect to claims 1-3.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-

0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL
May 20, 2004



NGOC-YEN VU
PRIMARY EXAMINER